

## **REMARKS**

### 1. Present Status of Patent Application

This is a full and timely response to the outstanding non-final Office Action mailed May 19, 2006. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### 2. Telephone Interview

Applicants first wish to express their sincere appreciation for the time that Examiner Colan spent with Applicants' Attorney, Charles Griggers, during a telephone discussion on August 9, 2006 regarding the outstanding Office Action. During that conversation, Applicants presented arguments and proposed amendments for distinguishing claimed subject matter from the cited art. However, a consensus was not reached towards the merits of these arguments and amendments. Therefore, additional amendments and arguments are presented herein and Applicants respectfully request the Examiner to consider the present response.

### 3. Rejection of Claims under 35 U.S.C. §103

Claims 1-24 stand rejected under 35 U.S.C. §103(a) as purportedly being unpatentable over *Kite* (U.S. Patent Publication No. 2005/0149372 A1) in view of *VanDusen* (U.S. Patent Publication No. 2003/0208397 A1). It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

#### a. Claim 1

As provided in independent claim 1, Applicants claim:

A fiber splice management and assignment system, comprising:  
*a database operable to store a fiber splice record associated with a wirecenter, the fiber splice record identifying a fiber splice job to be performed at the wirecenter, the fiber splice management and assignment system tracking workflow of fiber splice jobs identified by a plurality of fiber splice records, the fiber splice jobs corresponding to generated engineering work-orders;*

*assignment logic coupled to the database, operable to assign a fiber splice record associated with a fiber splice job for the wirecenter to a draftsman and to record the assignment, wherein the fiber splice management and assignment system is configured to identify each fiber splice record assigned to the draftsman, the draftsman being assigned to make changes shown in a generated engineering work-order to the fiber splice record; and*

*completion logic coupled to the database, operable to receive a request to close the fiber splice record from the draftsman, and receive a credit amount associated with the fiber splice job from a fiber splice manager, the credit amount being assigned to the draftsman that performed the fiber splice job.*

(Emphasis added).

Applicants respectfully submit that independent claim 1 is allowable for at least the reason that *Kite* in view of *VanDusen* does not disclose, teach, or suggest at least “a database operable to store a fiber splice record associated with a wirecenter, the fiber splice record identifying a fiber splice job to be performed at the wirecenter, the fiber splice management and assignment system tracking workflow of fiber splice jobs identified by a plurality of fiber splice records, the fiber splice jobs corresponding to generated engineering work-orders; assignment logic coupled to the database, operable to assign a fiber splice record associated with a fiber splice job for the wirecenter to a draftsman and to record the assignment, wherein the fiber splice management and assignment system is configured to identify each fiber splice record assigned to the draftsman, the draftsman being assigned to make changes shown in a generated engineering work-order to the fiber splice record; completion logic coupled to the database, operable to receive a request to close the fiber splice record from the draftsman, and receive a credit amount associated with the fiber splice job from a fiber splice manager, the credit amount being assigned to the draftsman that performed the fiber splice job,” as recited and emphasized above in claim 1.

For example, *Kite* appears to disclose at most a system for defining a resource plan. In particular, *Kite* states:

The resource planning application 170 can be one or more GIS tools that can allow a planner to define and associate resources with geographic features in digitized maps. The resource planning application 170 may allow a user to at least partially define and/or evaluate the resources 160, the geographic information 162, the resource needs 166, and/or the location relief strategy plan 164. For example, the resource planning application 170 may allow a user to associate one more LRS plans 164 with one of the resource needs 166, and to define which of the associated LRS plans 164 is a primary LRS plan and/or which are alternate LRS plans. When a plurality of the LRS plans are associated

with a resource need, the LRS plans may be prioritized (e.g., ranked). A highest priority one of the LRS plans may then be defined as a primary LRS plan, and the other LRS plan(s) may be defined as alternate LRS plans. In some embodiments of the present invention, only one of the LRS plans 164 that are associated with one of the resource needs 166 can be defined as a primary LRS plan.

The resource planning application 170 also generates a resource plan based on the primary LRS plan and/or the alternate LRS plan. . . . For example, a resource plan may be generated based on the primary LRS plans, or it may be generated based on selected ones of the primary LRS plans and/or alternate LRS plans. A user may also define access privileges for the LRS plans, such as public or private, which may be used by the resource planning application 170 to limit access of one or more of the LRS plans to users who satisfy the defined access privileges.

The resource planning application 170 may generate a resource plan that combines all or selected ones of the primary LRS plans and/or alternate LRS plans for more than one of the defined resource needs 166, and/or the resource planning application 170 may generate a different resource plan for each of the defined resource needs 166.

Paras. 0822-0824. As such, *Kite* does not seem to involve actual engineering work orders and associated tracking functions involving making changes to records reflecting the work being performed. For at least this reason, *Kite* fails to teach or suggest “the fiber splice record identifying a fiber splice job to be performed at the wirecenter, the fiber splice management and assignment system tracking workflow of fiber splice jobs identified by a plurality of fiber splice records, the fiber splice jobs corresponding to generated engineering work-orders,” as recited in the claim. As mentioned above, *Kite* appears to teach a tool for documenting resource plans and strategies that may or may not ever be implemented, whereas the claimed subject matter tracks records associated with engineering work-orders.

Further, the system in *Kite* seemingly discloses assignment of fiber strands in referring to how a fiber strand is being utilized. For example, *Kite* provides that physical fiber strands are determined to be “assigned, spare, or defective,” where “Assigned in analogous to saying that a fiber is ‘lit’.” Para. 0428. The portion of *Kite* referenced in the Office Action at paragraph 0549 does not seem to be directed to an assignment of a draftsman to a fiber splice job. For at least these reasons, *Kite* does not appear to suggest “assignment logic coupled to the database, operable to assign a fiber splice record associated with a fiber splice job for the wirecenter to a

draftsman and to record the assignment, wherein the fiber splice management and assignment system is configured to identify each fiber splice record assigned to the draftsman, the draftsman being assigned to make changes shown in a generated engineering work-order to the fiber splice record,” as recited in independent claim 1.

Further, *Kite* does not teach or suggest “assignment logic coupled to the database, operable to assign a fiber splice record associated with a fiber splice job for the wirecenter to a draftsman and to record the assignment, wherein the fiber splice management and assignment system is configured to identify each fiber splice record assigned to the draftsman; and completion logic coupled to the database, operable to receive a request to close the fiber splice record from the draftsman, and receive a credit amount associated with the fiber splice job from a fiber splice manager, the credit amount being assigned to the draftsman that performed the fiber splice job,” as recited in claim 1.

While *Kite* teaches that a technician performing a fiber splice task may utilize FMT (fiber management tool) to access information that is useful in completing the task (e.g., listing attributes of a fiber splice), this is inadequate to teach or suggest the particular system described in the claim. With regard to *VanDusen*, it discloses a method of doing business by creating an equity pool and compensating an associate with a portion of the equity pool. *VanDusen* does not teach or suggest the features above that are also not taught and suggested by *Kite*. Accordingly, *VanDusen* fails to cure the deficiencies of the *Kite* reference in suggesting or teaching all of the claimed features in claim 1. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Kite* with *VanDusen* has not been made. Therefore, the rejections of claim 1 should be withdrawn.

**b. Claims 2-8**

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-8 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-8 contain all the elements and features of independent claim 1. For at least this reason, the rejections of claims 2-8 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for the allowability of claims 2-8, these dependent claims recite further features and/or combinations of features (as is apparent by

examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

c. **Claim 9**

As provided in independent claim 9, Applicants claim:

A method for assigning and managing a plurality of fiber splice jobs, comprising:

*storing a fiber splice record associated with a wirecenter in a database, the fiber splice record identifying a fiber splice job to be performed at the wirecenter, the fiber splice job corresponding to a generated engineering work-order;*

*assigning a fiber splice record associated with a fiber splice job for the wirecenter to a draftsman as part of workflow tracking process for fiber splice jobs, the draftsman being assigned to make changes shown in the generated engineering work-order to the fiber splice record;*

recording the assignment;

receiving a request from a user to mark the fiber splice record as closed;

and

*assigning credit for the fiber splice job based upon input from a fiber splice manager, the credit being assigned to the draftsman that performed the fiber splice job.*

(Emphasis added).

Applicants respectfully submit that independent claim 9 is allowable for at least the reason that *Kite* in view of *VanDusen* does not disclose, teach, or suggest at least “storing a fiber splice record associated with a wirecenter in a database, the fiber splice record identifying a fiber splice job to be performed at the wirecenter, the fiber splice job corresponding to a generated engineering work-order; assigning a fiber splice record associated with a fiber splice job for the wirecenter to a draftsman as part of workflow tracking process for fiber splice jobs, the draftsman being assigned to make changes shown in the generated engineering work-order to the fiber splice record” and “assigning credit for the fiber splice job based upon input from a fiber splice manager, the credit being assigned to the draftsman that performed the fiber splice job,” as recited and emphasized above in claim 9.

For example, *Kite* appears to disclose at most:

The resource planning application 170 can be one or more GIS tools that can allow a planner to define and associate resources with geographic features in digitized maps. The resource planning application 170 may allow a user to at

least partially define and/or evaluate the resources 160, the geographic information 162, the resource needs 166, and/or the location relief strategy plan 164. For example, the resource planning application 170 may allow a user to associate one more LRS plans 164 with one of the resource needs 166, and to define which of the associated LRS plans 164 is a primary LRS plan and/or which are alternate LRS plans. When a plurality of the LRS plans are associated with a resource need, the LRS plans may be prioritized (e.g., ranked). A highest priority one of the LRS plans may then be defined as a primary LRS plan, and the other LRS plan(s) may be defined as alternate LRS plans. In some embodiments of the present invention, only one of the LRS plans 164 that are associated with one of the resource needs 166 can be defined as a primary LRS plan.

The resource planning application 170 also generates a resource plan based on the primary LRS plan and/or the alternate LRS plan. . . . For example, a resource plan may be generated based on the primary LRS plans, or it may be generated based on selected ones of the primary LRS plans and/or alternate LRS plans. A user may also define access privileges for the LRS plans, such as public or private, which may be used by the resource planning application 170 to limit access of one or more of the LRS plans to users who satisfy the defined access privileges.

The resource planning application 170 may generate a resource plan that combines all or selected ones of the primary LRS plans and/or alternate LRS plans for more than one of the defined resource needs 166, and/or the resource planning application 170 may generate a different resource plan for each of the defined resource needs 166.

Paras. 0822-0824. As such, *Kite* appears to be focused on planning and does not seem to involve actual engineering work orders and associated tracking functions involving making changes to records reflecting the work being performed. For at least this reason, *Kite* fails to teach or suggest “storing a fiber splice record associated with a wirecenter in a database, the fiber splice record identifying a fiber splice job to be performed at the wirecenter, the fiber splice job corresponding to a generated engineering work-order” and “assigning a fiber splice record associated with a fiber splice job for the wirecenter to a draftsman as part of workflow tracking process for fiber splice jobs, the draftsman being assigned to make changes shown in the generated engineering work-order to the fiber splice record,” as described in claim 9.

Further, the system in *Kite* seemingly discloses assignment of fiber strands in referring to how a fiber strand is being utilized. For example, *Kite* provides that physical fiber strands are determined to be “assigned, spare, or defective,” where “Assigned in analogous to saying that a

fiber is 'lit.'" Para. 0428. The portion of *Kite* referenced in the Office Action at paragraph 0549 does not seem to be directed to an assignment of a draftsman to a fiber splice job. For at least these reasons, *Kite* does not appear to suggest "assigning a fiber splice record associated with a fiber splice job for the wirecenter to a draftsman," as recited in independent claim 9. Moreover, *Kite* also does not teach or suggest "assigning credit for the fiber splice job based upon input from a fiber splice manager, the credit being assigned to the draftsman that performed the fiber splice job," as recited in claim 9.

While *Kite* teaches that a technician performing a fiber splice task may utilize FMT (fiber management tool) to access information that is useful in completing the task (e.g., listing attributes of a fiber splice), this is inadequate to teach or suggest the particular process described in the claim. With regard to *VanDusen*, it discloses a method of doing business by creating an equity pool and compensating an associate with a portion of the equity pool. *VanDusen* does not teach or suggest the features above that are also not taught and suggested by *Kite*. Accordingly, *VanDusen* fails to cure the deficiencies of the *Kite* reference in suggesting or teaching all of the claimed features in claim 9. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Kite* with *VanDusen* has not been made. Therefore, the rejections of claim 9 should be withdrawn.

**d. Claims 10-16**

Because independent claim 9 is allowable over the cited art of record, dependent claims 10-16 (which depend from independent claim 9) are allowable as a matter of law for at least the reason that dependent claims 10-16 contain all the steps and features of independent claim 9. For at least this reason, the rejections of claims 10-16 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for the allowability of claims 10-16, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record.

Hence, there are other reasons why these dependent claims are allowable.

e. **Claim 17**

As provided in independent claim 17, Applicants claim:

A computer readable medium having a program for assigning and managing a plurality of fiber splice jobs, the program comprising:

*storing a fiber splice record associated with a wirecenter in a database, the fiber splice record identifying a fiber splice job to be performed at the wirecenter, the fiber splice job corresponding to a generated engineering work-order;*

*assigning a fiber splice record associated with a fiber splice job for the wirecenter to a draftsman as part of workflow tracking process for fiber splice jobs, the draftsman being assigned to make changes shown in the generated engineering work-order to the fiber splice record;*

recording the assignment;

receiving a request from a user to mark the fiber splice record as closed;

and

*assigning credit for the fiber splice job based upon input from a fiber splice manager, the credit being assigned to the draftsman that performed the fiber splice job.*

(Emphasis added).

Applicants respectfully submit that independent claim 17 is allowable for at least the reason that *Kite* in view of *VanDusen* does not disclose, teach, or suggest at least “storing a fiber splice record associated with a wirecenter in a database, the fiber splice record identifying a fiber splice job to be performed at the wirecenter, the fiber splice job corresponding to a generated engineering work-order; assigning a fiber splice record associated with a fiber splice job for the wirecenter to a draftsman as part of workflow tracking process for fiber splice jobs, the draftsman being assigned to make changes shown in the generated engineering work-order to the fiber splice record” and “assigning credit for the fiber splice job based upon input from a fiber splice manager, the credit being assigned to the draftsman that performed the fiber splice job,” as recited and emphasized above in claim 17.

For example, *Kite* appears to disclose at most:

The resource planning application 170 can be one or more GIS tools that can allow a planner to define and associate resources with geographic features in digitized maps. The resource planning application 170 may allow a user to at least partially define and/or evaluate the resources 160, the geographic information 162, the resource needs 166, and/or the location relief strategy plan 164. For example, the resource planning application 170 may allow a user to associate one more LRS plans 164 with one of the resource needs 166, and to



define which of the associated LRS plans 164 is a primary LRS plan and/or which are alternate LRS plans. When a plurality of the LRS plans are associated with a resource need, the LRS plans may be prioritized (e.g., ranked). A highest priority one of the LRS plans may then be defined as a primary LRS plan, and the other LRS plan(s) may be defined as alternate LRS plans. In some embodiments of the present invention, only one of the LRS plans 164 that are associated with one of the resource needs 166 can be defined as a primary LRS plan.

The resource planning application 170 also generates a resource plan based on the primary LRS plan and/or the alternate LRS plan. . . . For example, a resource plan may be generated based on the primary LRS plans, or it may be generated based on selected ones of the primary LRS plans and/or alternate LRS plans. A user may also define access privileges for the LRS plans, such as public or private, which may be used by the resource planning application 170 to limit access of one or more of the LRS plans to users who satisfy the defined access privileges.

The resource planning application 170 may generate a resource plan that combines all or selected ones of the primary LRS plans and/or alternate LRS plans for more than one of the defined resource needs 166, and/or the resource planning application 170 may generate a different resource plan for each of the defined resource needs 166.

Paras. 0822-0824. As such, *Kite* appears to be focused on planning and does not seem to involve actual engineering work orders and associated tracking functions involving making changes to records reflecting the work being performed. For at least this reason, *Kite* fails to teach or suggest “storing a fiber splice record associated with a wirecenter in a database, the fiber splice record identifying a fiber splice job to be performed at the wirecenter, the fiber splice job corresponding to a generated engineering work-order” and “assigning a fiber splice record associated with a fiber splice job for the wirecenter to a draftsman as part of workflow tracking process for fiber splice jobs, the draftsman being assigned to make changes shown in the generated engineering work-order to the fiber splice record,” as described in claim 17.

Further, the system in *Kite* seemingly discloses assignment of fiber strands in referring to how a fiber strand is being utilized. For example, *Kite* provides that physical fiber strands are determined to be “assigned, spare, or defective,” where “Assigned in analogous to saying that a fiber is ‘lit’.” Para. 0428. The portion of *Kite* referenced in the Office Action at paragraph 0549 does not seem to be directed to an assignment of a draftsman to a fiber splice job. For at least these reasons, *Kite* does not appear to suggest “assigning a fiber splice record associated with a

fiber splice job for the wirecenter to a draftsman,” as recited in independent claim 17. Moreover, *Kite* also does not teach or suggest “assigning credit for the fiber splice job based upon input from a fiber splice manager, the credit being assigned to the draftsman that performed the fiber splice job,” as recited in claim 17.

While *Kite* teaches that a technician performing a fiber splice task may utilize FMT (fiber management tool) to access information that is useful in completing the task (e.g., listing attributes of a fiber splice), this is inadequate to teach or suggest the particular process described in the claim. With regard to *VanDusen*, it discloses a method of doing business by creating an equity pool and compensating an associate with a portion of the equity pool. *VanDusen* does not teach or suggest the features above that are also not taught and suggested by *Kite*. Accordingly, *VanDusen* fails to cure the deficiencies of the *Kite* reference in suggesting or teaching all of the claimed features in claim 17. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Kite* with *VanDusen* has not been made. Therefore, the rejections of claim 17 should be withdrawn.

**f. Claims 18-24**

Because independent claim 17 is allowable over the cited art of record, dependent claims 18-24 (which depend from independent claim 17) are allowable as a matter of law for at least the reason that dependent claims 18-24 contain all the steps and features of independent claim 17. For at least this reason, the rejections of claims 18-24 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for the allowability of claims 18-24, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

### **CONCLUSION**

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. In addition, Applicants reserve the right to address any comments made in the Office Action that were not specifically addressed herein. Thus, such comments should not be deemed admitted by the Applicants. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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